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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,773	02/03/2000	Jerry E. Pierce	22789	7892

7590

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Jacqueline E Hartt Ph D  
Allen Dyer Doppelt Milbrath & Gilchrist P A  
255 South Orange Avenue Suite 1401  
PO Box 3791  
Orlando, FL 32802-3791

EXAMINER

CUFF, MICHAEL A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/497,773**

Applicant(s)  
**Pierce et al.**

Examiner  
**Michael Cuff**

Art Unit  
**3627**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 7, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Amendment***

1. Applicant's amendment, filed 1/7/03, has been received and entered. Claims 16-23 have been added.

### ***Election/Restriction***

2. Newly submitted claims 16-23 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The previously presented invention and the newly presented invention are subcombinations usable together which are distinct from each other because they can be used separately. In this case, the method of establishing a plurality of interrelated virtual electronic sites can be accomplished by marketing products or services, not offering. The method for locating an online vendor of a product or service can be accomplished without offering anything.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16-23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of Boyle et al..

Wolff shows all of the limitations of the claims except for specifying that the second word is product related.

Wolff shows, figures 2 and 3, a method and apparatus for facilitating computer network transactions. Host server 12 can be seen in figure 3 to handle transactions (means for tasks of taking an order). Figure 2 shows, embedded within banner 102, is the URL of host server 12 (e.g., "www.bannerbuy.com", central site, a processor, arbitrary word) and a unique indicia (e.g., "12345") identifying the product or service being advertised (descriptive of a product or a service). The indicia is appended to the end of the URL (e.g., "www.bannerbuy.com/12345", appending the arbitrary word to the unique indicia), and the URL is linked to banner 102. The URL and indicia are shown in a dashed box 106 to indicate they are transparent to the user. In other embodiments, the URL and indicia can be displayed to the user, or banner 102 can be replaced by another icon having embedded therein the same URL and indicia. For example, banner 102 can be replaced by a hyperlink including the URL of host server 12 and the indicia of the advertised product or service. Cascaded advertising banner 142 is a second banner similar to banner 102, except that the graphics relate to a second advertised product or service, and the

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unique identification indicia of that second product or service is appended to the URL of host server 12. At step 246, selection of cascaded banner 142 causes the above-described process to repeat by jumping back to the TCP/IP request at step 204 using the URL and the unique indicia of the cascaded product or service. Thus, a banner for a second product or service can optionally be cascaded or nested (creating linkage between respective sites and host server) with the first banner depending upon the contents of the retrieved record. Similar nesting may be performed with third, fourth, or any number of additional cascaded banners. In one embodiment, data entered by the user in a preceding transaction is used by host server 12 to automatically fill in corresponding input fields for a cascaded transaction, further helping the user to complete the transaction. The program of the host server 12 is the means for receiving, means for appending, means for establishing, and means for creating.

Boyle et al. teaches, figure 5, a means for labeling URLs using descriptive words in combination with an arbitrary base word in order to provide a more organized and easier to understand network of URLs.

Based on the teaching of Boyle et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify unique numerical indicia of Wolff to incorporate the descriptive words of Boyle et al. in order to provide a more organized and easier to understand network of URLs.

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***Response to Arguments***

5. Applicant's arguments filed 1/7/03 have been fully considered but they are not persuasive.

Applicant asserts that the examiner has not shown where the Boyle reference provides a teaching of a more organized and easier to understand network of URLs. There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 149 F3d 1350, 1357, 47, USPQ2d 1453, 1457-1458 (Fed. Cir. 1998) In the case of Boyle and Wolff, the examiner's cited motivation falls well within the nature of the problem to be solved and the knowledge of persons of ordinary skill in the art.

Applicant assert that the modification would cause technical problems in the Wolff system. The examiner does not concur. Applicant states that the unique numeric identifier is normally not even shown to the user. Wolff states "but may be displayed if desired" (column 7, line 34). therefore, the modification would enhance the Wolff system. Applicant asserts that a descriptive product name would require a more complex database search. The examiner does not concur. Applicant is just guessing at the additional complexity. Alpha-numeric searches have been around for a long time. One major benefit to using the product descriptive text would be during troubleshooting. Looking at a database print-out with words instead of numbers is much easier to look at ( or understand) and troubleshoot.

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***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 872-9326. (After Final special fax number (703) 872-9327) The customer service number is (703) 872-9325.

*Michael Cuff 3/21/03*

Michael Cuff  
March 21, 2003